

October 2, 2017

**PROHIBITED ARTICLES AND AUTHORITY TO SEARCH PRIVATELY-OWNED  
VEHICLES, PERSONAL BELONGINGS, AND FURNISHINGS OF PATIENTS**

**1. PURPOSE:** The purpose of this memorandum is to establish procedures to be followed in the storage and disposition of prohibited articles. It is also the purpose of this memorandum to establish the authority of Department of Veterans Affairs (VA) Police Service, in special circumstances, to search the personal belongings and furnishings of patients.

**2. POLICY:** It is the policy of this healthcare system that this memorandum will be applicable health care system-wide. Patients are not permitted to have prohibited articles in their possession when on VA property. These items will be picked up for storage and appropriate disposition.

**3. ACTION:**

a. **Prohibited articles include** any item that might be considered hazardous or dangerous, such as candles, any flammable liquids, liquid or spray paint except as distributed by Community and Public Affairs Service in amounts necessary to complete the assigned project. Also, any coffee pots, hot plates, mug warmers, stingers, water heating devices, fans, lamps or any other electrical device not approved through Engineering Service. The following items will also be considered prohibited articles:

- (1) firearms;
- (2) ammunition;
- (3) knives with blades over three (3) inches in length and any variety of hatchets;
- (4) explosives or explosive devices which fire a projectile, ammunition, or combustibles;
- (5) straight razors;
- (6) razors that load or unload bare blades or replacement blades (psychiatric patients should use only the lock-type safety razor, band-type, those with blades bonded to the replacement head or electric razors);
- (7) hand-held weapons (blackjacks, brass knuckles, clubs, etc.);

- (8) any variety of incapacitating liquid or gas emitting weapons;
- (9) wooden matches;
- (10) glue;
- (11) medications (other than those prescribed by VA treating physicians);
- (12) illicit drugs;
- (13) intoxicating beverages;
- (14) lighter fluid;
- (15) strong detergents;
- (16) cleaning agents (toilet bowl cleaners, etc.);
- (17) glass containers;
- (18) scissors;
- (19) metal fingernail files;
- (20) metal hair combs or pins; and,
- (21) crutches or walking canes on a closed ward.

b. **Patients will not be permitted** to have in their possession during the period of care any of the articles named above or any other articles considered prohibited.

c. **A search by patient-care personnel** for matches, sharp metal objects, and other potentially dangerous items should be routinely made prior to placement of patients in seclusion or locked rooms. Patient-care personnel may conduct searches of patients' belongings and furnishings for the safety and welfare of the patient. However, when patient violence or the discovery of a weapon, dangerous material, or evidence of a serious crime is anticipated, staff will contact the VA Police Service who will conduct the search. Confiscated property or contraband will be handled and secured by VA Police Service. The advice of the Assistant U.S. Attorney will be obtained by VA Police Service prior to a decision on arrest action. Each exigency-based search of a patient's belongings or furnishing will be noted in the patient's medical record when:

- (1) patients are admitted or transferred to a closed psychiatric ward; and,
- (2) under a compelling exigency. Examples of a compelling exigency are a statement of threat by a patient to shoot, harm, or kill another.

d. **Personal belongings**, closets, nightstands, and other patient ward and room storage furnishings, are protected areas within the meaning of the Fourth Amendment. The belongings and furnishings may be searched by VA Police only in the following incidents:

(1) incident to a lawful arrest by VA Police Service;

(2) the existence of reasonable, or probable cause to believe a patient has concealed potentially harmful materials, or items on his, or her person, or within the belongings, or furnishings of a government facility which, if used, would jeopardize the patient's safety, or the safety of others; or

(3) with a warrant.

e. **If it is suspected** that these harmful or dangerous materials are being provided to patients by visitors, VA Police Service will be notified immediately.

f. **A record and chain of custody** will be established for all items such as contraband or evidence confiscated by an officer; and for personal property of patients or others which is taken into possession by officers for safekeeping. The personal property or valuables of admitted patients will not be accepted by VA Police Service, except in unusual circumstances. All such property in VA Police Service custody will be kept in a double-locked container; GSA Class 5 safe or cabinet under key or combination control. An Evidence or Property Custody Record (VA Form 3524) and Evidence or Property Tag (VA Form 3524a) will be completed upon the taking of either evidence or property into the custody of VA Police Service. The Police Officer obtaining the property will be responsible for compiling an automated Investigative Report (VA Form 1393), and ensuring an entry is made in the automated VA Police Daily Operations Journal (VA Form 1433). The valuables will be transferred to the Medical Administration Service (MAS) Business Office Section as soon as practicable. Weapons, ammunition, and harmful materials that are unsafe for storage with patients' belongings will be retained in the custody of the VA Police Service, recorded, tagged, and securely stored. Found property that is not identified as contraband will be turned in to Environmental Management Service's Lost and Found section.

g. **VA Police Service**. VA Form 3524 will be retained on file for a period of six months following the return of property to its owner or next-of-kin, its destruction, or other final disposal action.

h. **Any prohibited articles** found in the possession of patients, visitors, or employees that are in violation of VA Regulation 38 CFR 1.218(b) may result in the arrest, or issuance of a citation of U.S. District Court using a United States District Court Violation Notice, VA Form 9019.

i. **Competent patients** who object to storage of prohibited articles will be denied admission provided their medical condition will permit such action. These cases will be reported immediately to the Chief of the MAS Business Office Section or designee.

j. **Nursing personnel** will be responsible for collecting and turning in to VA Police all prohibited articles found in the possession of patients on the wards.

k. **Public areas of a hospital or domiciliary** may be searched at any time without a warrant. Additionally, contraband such as weapons, alcohol, drugs, and drug paraphernalia in plain view, may be seized by a VA Police Officer without a warrant, even if located in an area reserved for a patient.

l. **Privately Owned Vehicles** may be searched if probable cause to search exists independently of probable cause to arrests. The right to search a vehicle and the validity of the seizure are not dependent on the right to arrest. They are dependent on what probable cause the police officer has for belief that the contents of the automobile are prohibited by law. If probable cause exists to justify a vehicle search, the search will be made immediately without a warrant, or the vehicle itself will be seized and held without a warrant for whatever period is necessary to obtain a warrant for the search. The officer may also search the area into which the suspect might lunge, reach, or grab for a weapon or any destructible evidence within the immediate vicinity. Generally, only the interior of the vehicle may be searched incident to an arrest. If evidence of a crime is discovered during this type of search, the entire vehicle may be searched. If probable cause exists that a crime has occurred and that evidence is in a specific vehicle, then the entire vehicle may be searched.

#### 4. RESPONSIBILITIES:

a. **VA Police Service** will be responsible for establishing a chain of custody for all prohibited articles found on VA property that are confiscated or taken into possession by VA Police Service for safekeeping. This service will be responsible for the disposition of the articles taken into its custody.

b. **Patient-care staff** will be responsible for notifying VA Police Service or collecting and turning in to VA Police, all prohibited articles and searching the personal belongings and furniture of patients as outlined in this memorandum.

c. **Patient-care staff or Administrative Officer of the Day (AOD)** will be responsible for immediately reporting to the Chief of the Medical Administration Service (MAS) Business Office Section any incident of the denial of admission to a competent patient who objects to the storage of prohibited articles.

5. **REFERENCES:** VA Handbook 0730, Security and Law Enforcement.

6. **RESCISSIONS:** Memorandum No. 07-08-14, dated August 22, 2014

**7. RECERTIFICATION:** The Chief, Police Service (07), is responsible for recertification of this memorandum on or before the last working day of September 2020.

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Interim Director